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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,709	07/25/2001	Michael Hollerman	068550-0105	5180
27433 7590 01/16/2007 FOLEY & LARDNER LLP 321 NORTH CLARK STREET SUITE 2800 CHICAGO, IL 60610-4764			EXAMINER KESACK, DANIEL	
			ART UNIT 3691	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/912,709	Applicant(s) HOLLERMAN ET AL.	
	Examiner Dan Kesack	Art Unit 3691	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-51, 84-93, 128-140 and 169-178 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-51, 84-93, 128-140 and 169-178 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been reviewed. Claims 1-178 are currently pending. Claims 1-38, 52-83, 94-127, and 141-168 have been withdrawn from consideration. The rejections are as stated below.

Election/Restrictions

2. Claims 1-38, 52-83, 94-127, and 141-168 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/17/2006.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 39-41, 45, 50, 51, 84, 87, 92, 93, 128, 129, 132, 133, 136, 139, 140, 169, 147, 177, and 178 are rejected under 35 U.S.C. 102(e) as being anticipated by Cohen et al., U.S. Patent Application Publication No. 2002/0116310.

Claims 39, 84, 128, 129, 169, Cohen discloses a computerized comparative investment analysis system and method comprising establishing a communication link between a member computer and a central computer (paragraph 21), accessing option trading data from the central computer through the member computer (paragraphs 21-23), inputting at least two signals to the member computer, the at least two signals representative of at least an underlying asset symbol of an underlying asset and a strike price (paragraph 31), and generating a display page listing option data for the strike price entered for the underlying asset entered in the data entry field (paragraph 39).

Claims 40, 132, Cohen teaches the underlying asset is a stock (paragraph 39).

Claims 41, 133, Cohen teaches the central computer is a data vendor or an exchange computer (paragraph 25).

Claim 45, 87, 136, 174, Cohen teaches displaying trading information for the underlying asset (paragraph 26).

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Claims 50, 51, 92, 93, 139, 140, 177, 178, Cohen teaches inputting signals into the member computer, wherein the signals are representative of the underlying asset symbol and an option symbol of the underlying asset (paragraph 37).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 43, 44, 86, 131, and 172 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen

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Cohen fails to teach the option trading information includes quotations for put bid, put ask, call bid, and call ask.

Applicant has admitted that it was known at the time of Applicant's invention to display put bid, put ask, call bid, and call ask relating to option quotation information (Applicant's figures 9-13). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Cohen to include these displays because such quotations are useful and necessary to one who is trading in the options market.

Cohen fails to teach displaying a running list of executed trades for the underlying asset entered.

Applicant has admitted that it was known at the time of the Applicant's invention to display the constantly updated display of the last trade executed on the underlying asset of an option (Applicant's figures 9-12). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Cohen to include displaying executed trades on the underlying asset because information about the trading of the underlying asset of an option provides an option analyst with insight into the movement of the price of the asset, which affects the value of an option on that asset. Such information is required to make informed decisions about buy or selling said options.

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9. Claims 42, 85, 130, 131, and 170 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen, in view of Roland's article "New Rules planned for options".

Claims 42, 85, 130, 170, Cohen fails to teach displaying the National Best Bid and Offer quotations.

Roland describes an option quoting mechanism including a National Best Bid and Offer display (page 1, paragraph 9). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Cohen to include a display of the NBBO because Roland teaches the quotation serves as a benchmark by which investors can compare the prices on each exchange, which is a desirable feature for option market traders who analyze market conditions.

Regarding claim 131, see claims 13, 44, 86, and 172, above.

10. Claims 49, 91, 138, 176 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen, in view of Brady, U.S. Patent Application Publication No. 2002/0128955.

Cohen teaches obtaining current pricing information, but fails to teach how frequently the information is updated.

Brady discloses a system and method for obtaining market pricing information, wherein quotes are obtaining on a predetermined frequency (paragraph 28). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's

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invention to modify the teachings of Cohen to include updating the quotes on a predetermined frequency because market quotations can fluctuate by the second, and making decisions regarding market trading require the most up to date information in order to make the most informed decisions.

11. Claims 47, 89, 134, and 173 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen, in view of Finebaum, U.S. Patent Application Publication No. 2002/0156719.

Cohen fails to teach highlighting recent updates of trading data.

Finebaum discloses a system and method for trading financial instruments, wherein bid and offer columns display quotes for said instruments, and wherein columns are highlights to reflect price changes and trades in the system each time a new offer or bid is received. It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Cohen to include highlighting updated quotes because the display of Cohen contains vast amounts of data which must be constantly monitored by a user and it is desirable that a user be notified as to which information has changed. Such a visual cue draws attention to an updated quote without a user having check every price subsequent to an update.

12. Claims 48, 90, 135 and 171 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen, in view of Roland in view of Finebaum

Regarding claims 48, 90, 135 and 171, see the rejection of claims 42, 85, 130, 170, and claims 47, 89, 134 and 173, above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Kesack whose telephone number is 571-272-5882. The examiner can normally be reached on M-F, 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


HANI M. KAZIMI
PRIMARY EXAMINER